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09/932,873	08/21/2001	Akihiko Sugukawa	213133US2SRD	6798
22850	7590	03/17/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			ANWAH, OLISA	
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ALEXANDRIA, VA 22314			PAPER NUMBER	

2645

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/932,873

**Applicant(s)**

SUGUKAWA ET AL.

**Examiner**

Olisa Anwah

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 5 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Heinonen et al, U.S. Patent No. 6,078,806 (hereinafter Heinonen).

Regarding claim 1, Heinonen discloses an information exchange method of exchanging information between a communication terminal (1) having a short distance wireless communication device and a host (21) having another short distance wireless communication device and an information acquisition device (IR2), the method comprising:

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acquiring identification information identifying the communication terminal by the information acquisition device; establishing a short distance wireless communication path between the communication terminal and the host in reference to the identification information; and initiating an information exchange between the communication terminal and the host based on a communication between the short distance wireless communication devices using the established short distance wireless communication path (see columns 5 and 10).

Regarding claim 5, see column 10.

Regarding claim 6, see column 10.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C § 103(a) as being unpatentable over Heinonen combined with Beach et al, European

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Patent Application No. 0,856,812 (hereinafter Beach) in further view of McGregor et al, U.S. Patent Application Publication No. 2003/0100290 (hereinafter McGregor).

Regarding claim 11, Heinonen discloses a cash register apparatus (see Figure 6) configured to exchange information with communication terminals each of which equips a short distance wireless communication device and provide predetermined services to users who carry the communication terminals, the apparatus comprising:

- a register mechanism (21);

- a short distance wireless communication device (1);

- an information exchange device configured to control the short distance wireless communication device so as to establish a short distance wireless communication path with the communication terminal and initiate an information exchange with the communication terminal based on a communication between the short distance wireless communication devices using the established short distance wireless communication path (column 10).

Heinonen does not teach a first bar code reader configured to read a bar code of a product and a register controller configured to control the register mechanism to perform a

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register processing in respect to the bar code of the product. Nonetheless, Beach teaches the claimed first bar code reader (see Figure 5) and the register controller (column 11). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heinonen with the bar code reader and register mechanism of Beach. This modification would have improved the convenience of Heinonen by allowing for a portable shopping system as suggested by Beach.

The combination of Heinonen and Beach does not explicitly teach a second bar code reader configured to read a bar code of the communication terminal; and an information exchange device configured to generate identification information based on the bar code of the communication terminal, which identifies one of the communication terminal among others. All the same, McGregor discloses this limitation (see Figure 9 and paragraph 0097). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Heinonen and Beach with the second bar code reader and the information exchange device disclosed by McGregor. This modification would have improved security by allowing the shopping center to track portable devices as suggested by McGregor and Beach.

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5. Claims 12 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Heinonen in view of Beach.

Regarding claim 13, Heinonen teaches a cash register apparatus (see Figure 6) configured to exchange information with communication terminals each of which equips a short distance wireless communication device and an infrared data communication device transmitting a signal, and provide predetermined services to users who carry the communication terminals, the apparatus comprising:

- a register mechanism (21);

- a short distance wireless communication device (1);

- an infrared data communication device configured to receive the signal transmitted from one of the communication terminals (IR2); and

- an information exchange configured to:

- generate identification information based on the signal, which identifies one of the communication terminal among others;
- and

- control the short distance wireless communication device so as to:

- establish a short distance wireless communication path with the communication terminal; and

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initiate an information exchange with the communication terminal based on a communication between the short distance wireless communication devices using the established short distance wireless communication path (column 10).

Heinonen does not teach a bar code reader configured to read a bar code of a product and a register controller configured to control the register mechanism to perform a register processing in respect to the bar code of the product. Nonetheless, Beach teaches the claimed bar code reader (see Figure 5) and the register controller (column 11). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heinonen with the bar code reader and register mechanism of Beach. This modification would have improved the convenience of Heinonen by allowing for a portable shopping system as suggested by Beach.

Regarding claim 12, Heinonen teaches a cash register apparatus (see Figure 6) configured to exchange information with communication terminals each of which equips a short distance wireless communication device and a wireless tag transmitting a



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signal, and provide predetermined services to users who carry the communication terminals, the apparatus comprising:

- a register mechanism (21);

- a short distance wireless communication device (1);

- a wireless tag receiver configured to receive the signal transmitted from the wireless tag of one of the communication terminals; and

- an information exchange configured to:

- generate identification information based on the signal, which identifies one of the communication terminal among others; and

- control the short distance wireless communication device so as to:

- establish a short distance wireless communication path with the communication terminal; and

- initiate an information exchange with the communication terminal based on a communication between the short distance wireless communication devices using the established short distance wireless communication path (column 10).

Heinonen does not teach a bar code reader configured to read a bar code of a product and a register controller

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configured to control the register mechanism to perform a register processing in respect to the bar code of the product. Nonetheless, Beach teaches the claimed bar code reader (see Figure 5) and the register controller (column 11). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heinonen with the bar code reader and register mechanism of Beach. This modification would have improved the convenience of Heinonen by allowing for a portable shopping system as suggested by Beach.

6. Claims 2 and 3 are rejected under 35 U.S.C § 103(a) as being unpatentable over Heinonen in view of McGregor.

Regarding claim 2, Heinonen does not teach said acquiring includes reading a bar code on said communication terminal, the bar code indicating said identification information. All the same, McGregor discloses this limitation (see Figure 9 and paragraph 0097). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heinonen with the bar code disclosed by McGregor. This modification would have improved security by providing a method of tracking wireless communication devices as suggested by McGregor.

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Regarding claim 3, see paragraph 0097 and Figure 9 of McGregor.

7. Claim 10 is rejected under 35 U.S.C § 103(a) as being unpatentable over Heinonen in view of Hollstrom et al, U.S. Patent Application Publication No. 2005/0009561 (hereinafter Hollstrom).

Regarding claim 10, Heinonen does not teach said short distance wireless communication includes Bluetooth. However Hollstrom discloses this limitation (see Figure 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heinonen with the Bluetooth method shown by Hollstrom. This modification would have improved the versatility of Heinonen by using other known methods of data transfer as suggested by Heinonen (column 10).

8. Claim 4 is rejected under 35 U.S.C § 103(a) as being unpatentable over Heinonen combined with McGregor in further view of Chatani, U.S. Patent No. 6,792,292 (hereinafter Chatani).

Regarding claim 4, the combination of Heinonen and McGregor does not teach the bar code is electrically displayed on the communication terminal. Nonetheless Chatani discloses this

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limitation (see Figure 18). Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Heinonen and McGregor with the electrically displayed bar code of Chatani. This modification would have increased convenience by allowing users to purchase articles at discounted prices as suggested by Chatani.

8. Claims 7-9 are rejected under 35 U.S.C § 103(a) as being unpatentable over Heinonen in view of Chatani.

Regarding claim 7, Heinonen does not teach the claimed acquiring procedure. Nonetheless, Chatani discloses this limitation (see column 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heinonen with the acquiring limitations taught by Chatani. This modification would have improved the convenience of Heinonen by allowing users to purchase articles at discounted prices as suggested by Chatani.

Regarding claim 8, Heinonen does not teach the claimed acquiring procedure. Nonetheless, Chatani discloses this limitation (see column 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify Heinonen with the acquiring limitations taught by Chatani. This modification would have improved the convenience of Heinonen by allowing users to purchase articles at discounted prices as suggested by Chatani.

Regarding claim 9, Heinonen does not teach the claimed acquiring procedure. Nonetheless, Chatani discloses this limitation (see column 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heinonen with the acquiring limitations taught by Chatani. This modification would have improved the convenience of Heinonen by allowing users to purchase articles at discounted prices as suggested by Chatani.

#### ***Allowable Subject Matter***

10. Claim 14 is allowed because the prior art of record fails to disclose the claimed imaging device.

#### ***Conclusion***

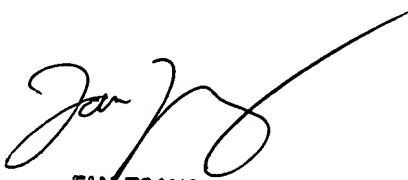
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

OA  
Olisa Anwah  
Patent Examiner  
February 24, 2005

  
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